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5 *Attorneys for Petitioners Joel Benoliel, et al.*

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8 UNITED STATES DISTRICT COURT
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 JOEL BENOLIEL, GREGG R. DAUGHERTY,
BRUCE E. HOSFORD, and DONALD S.
13 JEFFERSON,

14 Plaintiffs/Petitioners,

15 v.

16 BLACKHAWK PARENT LLC, a Delaware limited
liability company, and EOP OPERATING
17 LIMITED PARTNERSHIP, a Delaware limited
partnership,

18 Defendants/Respondents.
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Case No. C 07-03001-RMW

**JOINT STIPULATION
DISMISSING ACTION
WITHOUT PREJUDICE**

1 IT IS HEREBY STIPULATED AND AGREED by the parties, through their
2 counsel, that the above-entitled action be and hereby is dismissed without prejudice pursuant to
3 Federal Rule of Civil Procedure 41(a)(1). Each party will bear its own attorneys' fees and costs.

4 IT IS SO STIPULATED.

5 Dated: April 8, 2008

SULLIVAN & CROMWELL LLP

6
7 /s/

8 Michael H. Steinberg
9 Attorneys for Plaintiffs/Petitioners
JOEL BENOLIEL, et al.

10 Dated: April 8, 2008

SIMPSON THACHER & BARTLETT LLP

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12 /s/ (with express permission)

13 Harrison J. Frahn
14 Attorneys for Defendants/Respondents
BLACKHAWK PARENT LLC and EOP
15 OPERATING LIMITED PARTNERSHIP
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